

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE WILLIAM KRETSCHMAR REVOCABLE  
TRUST, and INCH OF GOLD, INC.,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

- against -

RYE SELECT BROAD MARKET FUND, L.P.,  
TREMONT PARTNERS, INC., TREMONT  
GROUP HOLDINGS, INC., OPPENHEIMER  
ACQUISITION CORP., MASSMUTUAL  
HOLDING LLC, MASSACHUSETTS MUTUAL  
LIFE INSURANCE COMPANY, ROBERT IVAN  
SCHULMAN, STEPHEN THOMAS CLAYTON,  
LYNN O. KEESHAM, RUPER ANDREW ALLAN,  
and HARRY HODGES,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>9/25/09</u>
DATE FILED: <u>9/25/09</u>

09 Civ. 5440 (TPG)

**ORDER**

MADELYN HAINES and PAUL ZAMROWSKI,  
on behalf of themselves and all others  
similarly situated,

09 Civ. 5441 (TPG)

Plaintiffs,

- against -

MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY, MASSMUTUAL  
HOLDING CO., MASSMUTUAL HOLDING  
TRUST I, OPPENHEIMER ACQUISITION  
CORP., OPPENHEIMERFUND, INC., JOHN V.  
MURPHY, RUPERT A. ALLAN, ROBERT I.  
SCHULMAN, CYNTHIA J. NICOLL, SANDRA  
MANZKE, TREMONT PARTNERS, INC.,

TREMONT GROUP HOLDINGS, INC., and  
DOES 1-100,

Defendants.

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THE LUGANO TRUST, THE HERMITAGE :  
TRUST, THE JAYBEE TRUST, THE CONICK :  
TRUST, THE SONICK TRUST, THE CLARICK :  
TRUST, THE CALITHA TRUST, BRITTANY :  
INVESTMENT INTERNATIONAL :  
CORPORATION I, BRITTANY INVESTMENT :  
INTERNATIONAL CORPORATION II, TRILOGY :  
INVESTMENT CORPORATION I, TRILOGY :  
INVESTMENT CORPORATION II, THE :  
RAINBOW TRUST, IRREVOCABLE TRUST :  
BETWEEN MARJORIE ALFUS AND JOEL :  
LEVINE CPA, THE MAGNOLIA TRUST, THE :  
INDIGO TRUST, THE SINCERITY TRUST, THE :  
CORFU TRUST, THE CRETE TRUST, THE :  
SPIRAL TRUST, THE JULIP TRUST, THE :  
GRENOBLE TRUST, THE PROTEA TRUST, :  
THE TRIESTE TRUST, THE LIFEGERO TRUST, :  
THE MARIGOLD TRUST, THE FLAMENCO :  
TRUST, THE MAMRE TRUST, THE SANDAN :  
TRUST, and 2006 LIONEL LAPINER FAMILY :  
TRUST, :  
Plaintiffs, :  
- against - :  
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09 Civ. 6840 (TPG)

**ORDER**

TREMONT CAPITAL MANAGEMENT INC.,  
TREMONT PARTNERS, INC., TREMONT  
GROUP HOLDINGS, INC., TREMONT  
(BERMUDA) LIMITED, RYE INVESTMENT  
MANAGEMENT, INC., OPPENHEIMER  
ACQUISITION CORPORATION,  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY, KPMG LLP, BANK OF  
NEW YORK MELLON, ERNST & YOUNG LLP,  
SANDRA L. MANZKE, ROBERT SCHULMAN,  
and SHL CAPITAL LTD.,

Defendants.

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## **ORDER OF CONSOLIDATION**

By Order dated March 26, 2009, this Court consolidated a number of actions that asserted claims against certain Tremont entities, certain Rye entities, and other defendants, alleging losses ultimately caused by Bernard Madoff. This Court first placed these cases under the master docket, 08 Civ. 11117. The cases were then divided into three groups: (1) cases in which the primary claims are made under the federal securities laws (consolidated for pre-trial proceedings into one "Securities Action" with docket number 08 Civ. 11212), (2) cases in which the claims are based primarily on state law, charging improper investments by partnerships or hedge funds or similar entities (consolidated for pre-trial proceedings into one "State Law Action" with docket number 08 Civ. 11183), and (3) cases in which the claims are based primarily on state law, charging improper investments by insurance companies (consolidated for pre-trial proceedings into one "Insurance Action" with docket number 09 Civ. 557).

On June 11, 2009, in accordance with 28 U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation formed MDL No. 2052, In re Tremont Group Holdings, Inc., Secs. Litig., and transferred The William Kretschmar Revocable Trust, et al. v. Rye Select Broad Mkt. Fund, L.P., et al., 09 Civ. 5440 (TPG), and Madelyn Haines, et al. v. Mass. Mut. Life Ins. Co., et al., 09 Civ. 5441 (TPG), from the District of Massachusetts to

this Court for coordinated or consolidated pre-trial proceedings with 08 Civ. 11117.

On August 3, 2009, The Lugano Trust, et al. v. Tremont Capital Mgmt, Inc., et al., 09-cv-6840 (TPG), was filed in the Southern District of New York and designated as related to the Insurance Action.

The Court held a hearing on the record on September 24, 2009 addressing issues regarding consolidation, and has rendered decisions reflected in this order.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. Upon review of these complaints, this Court finds that these cases arise out of the same subject matter as the proceedings under 08 Civ. 11117 and that these cases therefore should be consolidated.

2. The William Kretschmar Revocable Trust, et al. v. Rye Select Broad Mkt. Fund, L.P., et al., 09 Civ. 5440 (TPG), which asserts claims against certain Tremont entities, certain Rye entities, and other defendants based solely on state law, should be consolidated for pre-trial proceedings with the State Law Action. The Clerk of the Court therefore is directed to consolidate this case with the State Law Action under docket number 09 Civ. 11183, and upon doing so, to close the docket in 09 Civ. 5440 (TPG).

3. Madelyn Haines, et al. v. Mass. Mut. Life Ins. Co., et al., 09 Civ. 5441 (TPG), which asserts claims against certain Tremont entities and other defendants primarily arising under the federal securities laws,

should be consolidated for pre-trial proceedings with the Securities Action. The Clerk of the Court therefore is directed to consolidate this case with the Securities Action under docket number 09 Civ. 11212, and upon doing so, to close the docket in 09 Civ. 5441 (TPG).

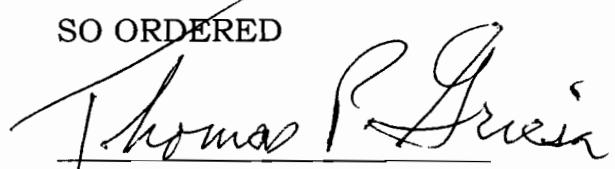
4. The Lugano Trust, et al. v. Tremont Capital Mgmt, Inc., et al., 09-cv-6840 (TPG), which asserts claims against certain Tremont entities, certain Rye entities, and other defendants, based solely on state law, and includes allegations charging improper investments by insurance companies, should be consolidated for pre-trial proceedings with the Insurance Action. The Clerk of the Court is therefore directed to consolidate this case with the Insurance Action under docket number 09 Civ. 557, and upon doing so, to close the docket in 09-cv-6840 (TPG).

5. A copy of this Order shall be placed in the dockets for all the cases listed herein.

6. Any document hereinafter filed in connection with the above-captioned cases must be filed under the master docket, 08 Civ. 11117, and the MDL case number, 09 md 2052. The parties are directed to read this Court's Order and Memorandum, both dated March 26, 2009, which can be found under the master docket. These documents prescribe the requirements for future submissions to this Court.

Dated: New York, New York  
September 25, 2009

~~SO ORDERED~~

  
Thomas P. Griesa  
Thomas P. Griesa  
U.S.D.J.